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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/308,194 07/26/99 VOUDOURIS 3 243007223

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QM22/0501

EXAMINER

MANALAN

ART UNIT

PAPER NUMBER

07002

6

DATE MAILED:

05/01/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/308,194**

Applicant(s)  
**Voudouris**

Examiner  
**Todd E. Manahan**

Group Art Unit  
**3732**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☒ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 2 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☒ Claim(s) 1-14 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

### *Specification*

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### *Claim Objections*

Claims 1-14 are objected to under 37 CFR 1.75(a) as not particularly pointing out and distinctly claiming the subject matter applicant regards as the invention. The following informalities should be corrected:

In line 20 of each of claims 1 and 2, "arms" should be changed to --arm members--.

In claim 3, line 2, "a gingival wall" should be --an occlusal wall--.

In line 2 of claims 4 and 6, "the labial portions" lacks a prior antecedent.

In claim 5, line 2, "an occlusal wall" should be -- a gingival wall--.

In claim 10, lines 2 and 3, "or other flexible material" is deemed indefinite because it does not specify a particular member of the Markush group of materials set forth in the claim and thus it is unclear what limitations such places upon the claimed subject matter.

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In claims 13 and 14, the functional recitation that "the occlusal (gingival) tie wings prevent labial distortion of the arm members" is indefinite because it is not supported by recitation in the claim of sufficient structure to accomplish the function.

*Reasons for Allowance*

The following is an examiner's statement of reasons for allowance:

The claims in the instant application have not been rejected using prior art because no references, or reasonable combination thereof, could be found which disclose or suggest the claimed invention, particularly with regards to the base having a vertical slot and two vertical grooves defined in either the occlusal or gingival tie wings; the resilient locking shutter having a lingula guide bar slidably received in the vertical slot and two laterally spaced apart resilient arm members slidably received in the vertical grooves; and a means for releasably retaining the arm members in a closed position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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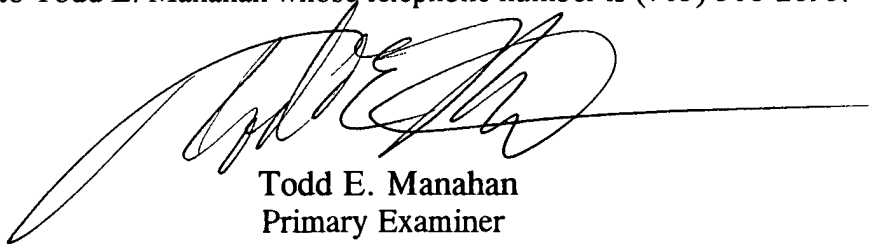
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd E. Manahan whose telephone number is (703) 308-2695.

A handwritten signature in black ink, appearing to read 'T. E. Manahan', with a long horizontal line extending to the right.

Todd E. Manahan  
Primary Examiner  
Art Unit 3732

T. E. Manahan  
April 27, 2000